

UNITED STATES DISTRICT COURT

Southern District of California

Office Of The Clerk
880 Front Street, Room 4290
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W. Samuel Hamrick, Jr.,
Clerk of Court

August 19, 2008

Clerk, U.S. District Court
US District Court for the Central District of California, Western Division
312 North Spring Street
Los Angeles, CA 90012-4701

Re: Condalee Morris v. People of the State of California, Case No. 3:08-cv-01468-H-POR

Dear Sir or Madam:

Pursuant to Order transferring the above-entitled action to your District, we are transmitting herewith our entire original file (excepting said Order).

Enclosed are a certified copy of our Docket and the Order transferring the action, the originals of which we are retaining.

Please acknowledge receipt on the copy of this letter and return. Thank you.

Sincerely yours,

W. Samuel Hamrick, Jr.,
Clerk of the Court

By: s/ A. Garcia, Deputy Clerk

Copy to Attorney for Plaintiffs:
Copy to Attorney for Defendants:

RECEIVED ITEMS DESCRIBED

THIS DATE OF _____
AND ASSIGNED CASE NUMBER _____

CLERK, U.S. DISTRICT COURT

By: _____, Deputy

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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 CONDALEE MORRIS,

12 Petitioner,

13 vs.

14 PEOPLE OF THE STATE OF
15 CALIFORNIA,

16 Respondent.

Civil No. 08-01468 H (POR)

**ORDER TRANSFERRING ACTION
TO UNITED STATES DISTRICT
COURT FOR THE CENTRAL
DISTRICT OF CALIFORNIA,
WESTERN DIVISION**

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18 Petitioner is a state prisoner proceeding pro se with a habeas corpus action filed pursuant
19 to 28 U.S.C. § 2254. Upon reviewing the petition, the Court finds that this case should be
20 transferred in the interest of justice.

21 A petition for writ of habeas corpus may be filed in the United States District Court of
22 either the judicial district in which the petitioner is presently confined or the judicial district in
23 which he was convicted and sentenced. *See* 28 U.S.C. § 2241(d); *Braden v. 30th Judicial*
24 *Circuit Court*, 410 U.S. 484, 497 (1973). The application in the present matter attacks a
25 judgment of conviction that was entered in the County of Los Angeles Superior Court, which
26 is within the jurisdictional boundaries of the United States District Court for the Central District
27 of California, Western Division. 28 U.S.C. § 84(c)(2). Petitioner is presently confined at
28 Calipatria State Prison in Imperial, California, located in Imperial County, which is within the
jurisdictional boundaries of the United States District Court for the Southern District of

1 California. 28 U.S.C. § 84(d). Thus, jurisdiction exists in both the Central and Southern
2 Districts.

3 When a habeas petitioner is challenging a judgment of conviction, the district court of the
4 district in which the judgment of conviction was entered is a more convenient forum because of
5 the accessibility of evidence, records and witnesses. Thus, it is generally the practice of the
6 district courts in California to transfer habeas actions questioning judgments of conviction to the
7 district in which the judgment was entered. Any and all records, witnesses and evidence
8 necessary for the resolution of Petitioner's contentions are available in Los Angeles County. *See*
9 *Braden*, 410 U.S. at 497, 499 n.15 (stating that a court can, of course, transfer habeas cases to
10 the district of conviction which is ordinarily a more convenient forum); *Laue v. Nelson*, 279
11 F. Supp. 265, 266 (N.D. Cal. 1968).

12 Therefore, in the furtherance of justice, **IT IS ORDERED** that the Clerk of this Court
13 transfer this matter to the United States District Court for the Central District of California,
14 Western Division. *See* 28 U.S.C. § 2241(d). **IT IS FURTHER ORDERED** that the Clerk of
15 this Court serve a copy of this Order upon Petitioner and upon the California Attorney General.

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17 DATED: August 19, 2008

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MARILYN L. HUFF, District Judge
19 UNITED STATES DISTRICT COURT
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